

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

Omar Fajardo,

Plaintiff,

Case No. 15-CV- 333

vs.

Aaron Barrera, Et. Al.,

(Formerly Case No. CV 2014-7164  
N.M. Second Judicial District)

Defendant,

OFFICE OF THE FEDERAL PUBLIC  
DEFENDER FOR THE DISTRICT OF  
NEW MEXICO; MARGARET A. KATZE,  
Assistant Federal Public Defender,

Respondents.

**NOTICE OF TRANSMITTAL OF STATE COURT DOCUMENTS**

NOTICE IS HEREBY given that Respondents file herewith, in the Office of the Clerk, United States District Court for the District of New Mexico, as required by D.N.M.LR.-Civ. 81.1(a), legible copies showing filing dates of the filed pleadings in the Second Judicial District Court, State of New Mexico, the court from which this case was removed.

1. Complaint to Recover Damages for Personal Injury (filed 11/18/14)
2. Certification Regarding Arbitration (filed 11/18/14)

3. Defendant's Answer to Civil Complaint (12/4/14)
4. Summons & Return of Service (filed 12/5/14)
5. Order of Referral to Court-Annexed Arbitration and Appointment of Arbitrator (issued 3/3/15)
6. Letter to Ms. Margaret A. Katze from the Second Judicial District Director (dated 3/10/15)
7. Letter from Ms. Margaret A. Katze to the Second Judicial District Director (dated 3/19/15)
8. Letter from Chief Judge Nan G. Nash to Ms. Margaret A. Katze (dated & filed 4/1/15)

Respectfully submitted,

FEDERAL PUBLIC DEFENDER  
111 Lomas NW, Suite 501  
Albuquerque, NM 87102  
(505) 346-2489

[electronically filed]  
MARGARET A. KATZE  
Assistant Federal Public Defender

I HEREBY CERTIFY that on April 28, 2015,  
this filing was sent by electronic mail to the parties,  
and by mail to the Second Judicial District Court  
Clerk's Office.

s/Margaret A. Katze  
MARGARET A. KATZE  
Assistant Federal Public Defender

Exhibit 1  
Complaint to Recover Damages for Personal Injury  
(filed 11/18/14)

FILED IN MY OFFICE  
DISTRICT COURT CLERK  
11/18/2014 11:37:39 AM  
GREGORY T. IRELAND  
Chris Peck

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT

OMAR FAJARDO,  
Plaintiff,

vs.

No. D-202-CV-2014-07164

AARON BARRERA  
and GOVERNMENT EMPLOYEES  
INSURANCE COMPANY,  
Defendants.

**COMPLAINT TO RECOVER DAMAGES**  
**FOR PERSONAL INJURY AND OTHER DAMAGES**

COMES NOW Omar Fajardo, hereinafter "Plaintiff", by and through his attorneys of record, Caruso Law Offices, P.C. by Mark J. Caruso, Esq. and David E. Shelle, Esq., and brings his claim for damages against the Defendants, and for his cause of action state as follows:

1. Plaintiff is a resident of County of Bernalillo, State of New Mexico.
2. It is Plaintiff's information and belief that Defendant Aaron Barrera, hereinafter "Defendant Driver" is a resident of County of Bernalillo, State of New Mexico.
3. Government Employees Insurance Company, hereinafter "Defendant Insurance", is a foreign corporation doing business in the State of New Mexico by issuing automobile liability insurance policies to New Mexico residents. Defendant Aaron Barrera procured her insurance policy from Government Employees Insurance Company. By force of legislative enactment, the Financial Responsibility Act inures to the benefit of the public and no language of said Act negates joinder of Defendant Government Employees Insurance Company. Therefore, Defendant Government Employees Insurance Company is a proper

party, and this Court has in personam jurisdiction over Defendant Insurance and the subject matter of this action.

4. The occurrence giving rise to this action occurred in County of Bernalillo, State of New Mexico.

5. On or about April 5, 2014 Plaintiff Omar Fajardo was lawfully traveling southwest onto the main roadway out of a parking lot located at 2100 Louisiana Boulevard NE. Defendant Aaron Barrera was leaving a row of parking stalls into the main roadway of the parking lot and collided with Plaintiff Omar Fajardo.

6. That it then and there became the duty of Defendant Aaron Barrera to operate her vehicle in a careful and prudent manner with respect to other vehicles at said location.

7. That in violation of said duty, Defendant Aaron Barrera drove her vehicle into the vehicle operated by and driven by Plaintiff Omar Fajardo, and Defendant Aaron Barrera's negligence includes one, or more than one, or all, of the following acts or omissions:

Failing to yield;

Traveling too fast for conditions;

Driving inattentively;

Failing to keep a proper lookout;

Failing to keep a vehicle under control;

Violating traffic codes, statutes and ordinances;

Failing to operate a vehicle in a safe and reasonable manner; and

Driving a vehicle in a careless manner.

8. Pursuant to *Breeden v. Wilson*, 58 N.M. 517, 524, 273 P.2d 376, 380 (1954), Defendant Government Employees Insurance Company is jointly and severally liable for the negligence of Defendant Aaron Barrera.

9. That as a direct and proximate result of Defendant Government Employees Insurance Company and Defendant Aaron Barrera's negligence, Plaintiff Omar Fajardo has suffered and continue to suffer personal injuries; he has endured and continue to endure pain and suffering; and he has incurred and continue to incur medical expenses; he has incurred miscellaneous expenses including mileage and travel expenses.

**WHEREFORE**, Plaintiff prays for judgment against Defendant Government Employees Insurance Company and Defendant Aaron Barrera in an amount reasonable to compensate him for all the foregoing damage and injuries, plus interest and prejudgment interest, attorney's fees, the costs of this action, and for such other further relief as the Court may deem proper.

**CARUSO LAW OFFICES, P.C.**

By: /s/ Mark J. Caruso, Esq.  
Mark J. Caruso, Esq.  
David E. Shelle, Esq.  
Attorneys for Plaintiffs  
4302 Carlisle Blvd., N.E.  
Albuquerque, New Mexico 87107  
Tel: (505) 883-5000  
Fax: (505) 883-5012

Exhibit 2  
Certification Regarding Arbitration  
(filed 11/18/14)



FILED IN MY OFFICE  
DISTRICT COURT CLERK  
11/18/2014 11:37:39 AM  
GREGORY T. IRELAND  
Chris Peck

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT

OMAR FAJARDO,  
Plaintiff,

vs.

No. D-202-CV-2014-07164

AARON BARRERA  
and PROGRESSIVE DIRECT  
INSURANCE COMPANY,  
Defendants.

**COURT-ANNEXED ARBITRATION CERTIFICATION**

Plaintiff Omar Fajardo, by and through his attorneys of record Caruso Law Offices, P.C., pursuant to Second Judicial District Local Rules, Rule LR2-603, certifies as follows:

  √   These parties each seek only a money judgment and the amount sought for each does not exceed twenty five thousand dollars (\$25,000.00) exclusive of punitive damage, interest, costs and attorneys fees.

       This party seeks relief other than a money judgment and/or seeks relief in excess of twenty five thousand dollars (\$25,000.00) exclusive of punitive damages, interest, costs and attorney fees.

**CARUSO LAW OFFICES, P.C.**

By: /s/ Mark J. Caruso, Esq.  
Mark J. Caruso, Esq.  
David E. Shelle, Esq.  
Attorneys for Plaintiff  
4302 Carlisle Blvd. NE  
Albuquerque, NM 87107  
Tel: (505) 883-5000  
Fax: (505) 883-5012

**I HEREBY CERTIFY** that a true and correct copy of the above pleading was attached to the Complaint for service upon Defendants  
/s/ Mark J. Caruso, Esq.  
Mark J. Caruso, Esq.  
David E. Shelle Esq.

Exhibit 3  
Defendant's Answer to Civil Complaint  
(filed 12/4/14)

FILED IN MY OFFICE  
DISTRICT COURT CLERK  
12/4/2014 2:17:10 PM  
GREGORY T. IRELAND  
Christina Villa

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT

OMAR FAJARDO,

Plaintiff,

vs.

D-202-CV-2014-07164

AARON BARRERA and  
GOVERNMENT EMPLOYEES  
INSURANCE COMPANY,

Defendants.

**ANSWER TO COMPLAINT TO RECOVER DAMAGES  
FOR PERSONAL INJURY AND OTHER DAMAGES**

COME NOW, the Defendants Aaron Barrera and Government Employees Insurance Company (hereinafter GEICO), by and through their undersigned attorneys, Simone, Roberts & Weiss, P.A., by Stephen M. Simone, and for their Answer to the Complaint states as follows:

**FIRST DEFENSE**

1. Defendants admits the allegations contained in Paragraph 1.
2. Defendants admits the allegations contained in Paragraph 2.
3. Defendants admits the allegations contained in Paragraph 3.
4. Defendants admits the allegations contained in Paragraph 4.
5. Defendants admits that on or about April 5, 2014, a collision occurred between vehicles driven by Plaintiff and Defendant Barrera. The remaining allegations of Paragraph 5, are denied.
6. Defendants admit the allegations contained in Paragraph 6.
7. Defendants deny the allegations contained in Paragraph 7.

8. Defendants admit the allegations contained in Paragraph 8, except to affirmatively state that any liability on Defendant GEICO is limited to the coverage on said policy.

9. Defendants deny the allegations contained in Paragraph 9.

### **SECOND DEFENSE**

As a separate, further, affirmative defense, Defendants state that the negligence of all parties and non-parties must be compared and any recovery by the Plaintiff against these Defendants be limited to the negligence if any, of Defendant Barrera.

### **THIRD DEFENSE**

As a separate, further, affirmative defense, Defendants state that the Plaintiff has failed to mitigate his damages, said defense being asserted at this time to prevent waiver.

WHEREFORE, having fully answered the complaint, Defendant prays that the complaint be dismissed at Plaintiff's cost and for such other relief as the Court deems proper.

Respectfully submitted,

SIMONE, ROBERTS & WEISS, P.A.

"Electronically Filed"

/s/ Stephen M. Simone  
Stephen M. Simone  
Attorneys for Defendants  
11200 Lomas Blvd NE Ste 210  
Albuquerque, NM 87112-5573  
Work Phone: (505) 298-9400  
Fax: (505) 298-7070  
Email: ssimone@srw-law.com

I HEREBY CERTIFY that on the 4<sup>th</sup> day of  
November, 2014, a true and correct copy of the  
foregoing pleading was filed electronically  
through the Odyssey File/Serve System, which caused the  
following parties or counsel to be served by  
electronic means, as more fully reflected on the  
Notice of Electronic Filing:

Caruso Law Offices, P.C.  
Mark J. Caruso  
David E. Shelle  
4302 Carlisle Blvd.  
NE Albuquerque, NM 87107  
Telephone: 505-883-5000  
Fax: 505-883-5012  
Email: [mark@carusolaw.com](mailto:mark@carusolaw.com)  
Email: [david@carusolaw.com](mailto:david@carusolaw.com)

/s/ Stephen M. Simone  
Stephen M. Simone

Exhibit 4  
Summons & Return of Service  
(filed 12/5/14)

FILED IN MY OFFICE  
DISTRICT COURT CLERK  
12/5/2014 9:22:39 AM  
GREGORY T. IRELAND  
Christina Villa

SUMMONS	
District Court: Second Judicial District Court Bernalillo County Courthouse 400 Lomas Blvd. NW Albuquerque, NM 87103 (505) 841-7451	Case Number: D-202-CV-2014-07164  Assigned Judge: Denise Barela-Shepherd
Plaintiff(s): Omar Fajardo  v.  Defendant(s): Aaron Barrera and Government Employees Insurance Company	Defendant Aaron Barrera 11220 Deer Lodge SE Albuquerque, NM 87123

**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Courts address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Albuquerque, New Mexico, this ~~13<sup>th</sup>~~<sup>11<sup>th</sup></sup> day of November, 2014. 11/19/2014



GREGORY T. IRELAND  
CLERK OF THE DISTRICT COURT

*Christina Villa*  
Deputy

/s/ Mark J. Caruso, Esq.  
Mark J. Caruso, Esq.  
David E. Shelle, Esq.  
Attorneys for Plaintiff  
4302 Carlisle Blvd. NE  
Phone: 505-883-5000  
E-mail: [www.caruso.law.com](http://www.caruso.law.com)

## RETURN

STATE OF NEW MEXICO ) ss

COUNTY OF Bernalillo )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Bernalillo county on the 25<sup>th</sup> day of November, 2014, by delivering a copy of this summons, with a copy of complaint attached, Certificate and Plaintiff's First Request for Admissions to Defendant in the following manner:

(check one box and fill in appropriate blanks)

☐ to the defendant \_\_\_\_\_ (used when defendant accepts copy of summons and complaint or refuses to accept the summons and complaint).

☐ to the defendant by [mail] [courier service] as provided by rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following matter:

☒ to Michael Barrera <sup>(father)</sup> a person over fifteen (15) years of age and residing at the usual place of abode of defendant Aaron Barrera, (used when the defendant is not presently at place of abode) and mailing by first class mail to the defendant at 11220 Deer Lodge Pl. SE (insert defendant's last known mailing address) a copy of the summons and complaint.

☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert defendant's business address) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address).

☐ to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

☐ to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (used when defendant is a minor or an incompetent person).

☐ to \_\_\_\_\_ (name of person), \_\_\_\_\_ (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the state of New Mexico or any political subdivision).

Fees: \$70

[Signature]  
Signature of person making service

Process Server  
Title (if any)

Subscribed and sworn to before me this 4 day of December, 2014.

Carolyn S. Baca  
Notary

2-13-17  
commission Expires:

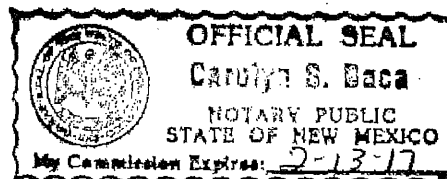




Exhibit 5

Order of Referral to Court-Annexed Arbitration and Appointment of Arbitrator  
(issued 3/3/15)

FILED IN MY OFFICE  
DISTRICT COURT CLERK  
3/3/2015 1:34:44 PM  
James A. Noel  
Gena Lopez

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT

OMAR FAJARDO,  
Plaintiff(s),

vs.

D-202-CV-2014-07164

AARON BARRERA, ET. AL.,  
Defendant(s).

ORDER EXCUSING ARBITRATOR & APPOINTING ARBITRATOR  
(COURT-ANNEXED ARBITRATION)  
(7040)

**THIS MATTER** having come before the Court upon report of the arbitration paralegal to excuse the appointed arbitrator, **Ms. Christina Muscarella Gooch**, due to Ms. Gooch being unavailable to act as arbitrator in this matter. **THE COURT ORDERS Ms. Christina Muscarella Gooch excused as arbitrator and FURTHER ORDERS** the following attorney to serve as appointed arbitrator in this case:

Ms. Margaret Ann Katze  
111 Lomas Blvd NW, Ste 501  
Albuquerque, NM 87102-2373  
(505) 346-2489

The assigned Judge may hear the motions set forth in LR2-603 (Section V)(A)(1); all other motions shall be heard by the Arbitrator. As per LR2-603 (Section V)(A)(6), motions heard or considered by the Arbitrator shall not be filed with the Court.

**REQUEST FOR REMOVAL**

Pursuant to LR2-603(IV)(A), the Court is required to maintain a pool from which arbitrators will be appointed. The pool shall include all active members of the State Bar of New Mexico who have been licensed to practice law for five (5) or more years and

who are residents of or have an office in Bernalillo County. The Chief Judge for good cause may remove an attorney from the pool either temporarily or permanently. A written request for good cause removal shall be submitted to the court alternatives director.

  
BEATRICE J. BRICKHOUSE  
DISTRICT COURT JUDGE

Submitted by Center for Self Help & Dispute Resolution Paralegal  
Endorsed copy mailed, served, or delivered by the Court on the date of filing to parties listed below:

**ATTORNEY FOR PLAINTIFF: MARK J. CARUSO // DAVID E. SHELLE, CARUSO LAW OFFICES, P.C., 4302 CARLISLE BLVD. NE, ALBUQUERQUE, NM 87107, 505-883-5000**

**ATTORNEY FOR DEFENDANT: Stephen M. Simone, Attorney at Law, 11200 Lomas Blvd. NE, Albuquerque, NM 87112, 505-298-9400**

**EXCUSED ARBITRATOR: Ms. Christina Muscarella Gooch, Keleher & McLeod PA, PO Box AA, Albuquerque, NM 87103-1626, (505) 346-1308**

Exhibit 6

Letter to Ms. Margaret A. Katze from the Second Judicial District Director  
(dated 3/10/15)



STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT

TORRI A JACOBUS, ESQ. DIRECTOR  
CENTER FOR SELF HELP AND DISPUTE  
RESOLUTION

POST OFFICE BOX 488  
ALBUQUERQUE, NEW MEXICO 87103  
505-841-6702

March 10, 2015

Ms. Margaret Ann Katze  
Office of the Federal Public Defender  
111 Lomas Blvd NW, Ste 501  
Albuquerque, NM 87102-2373

**RE: OMAR FAJARDO vs. AARON BARRERA, ET. AL.: CV-2014-07164**

Dear Ms. Katze:

Enclosed you will find an endorsed copy of the Court's order appointing you as an arbitrator pursuant to Local Rule LR2-603, the Court-Annexed Arbitration rule. Also enclosed are information sheets and sample forms to assist you in your role as arbitrator. **Please note that we have enclosed an arbitrator checklist that includes deadlines to help you manage this case.**

Within the next week, you need to determine whether any conflicts exist which make your serving as arbitrator inappropriate. Please submit a letter to our office specifically stating your conflict.

If you would like a copy of the Court file, please contact the Civil Clerk's customer service number at 841-6773, between 8:00 a.m. and 5:00 p.m. The court's docket for your case can be viewed at <https://caselookup.nmcourts.gov/caselookup/app> or through your Odyssey account.

If you have any questions or problems during your appointment, please do not hesitate to call our office.

Thank you for taking your time to participate and help make the Dispute Resolution Program a success.

Very truly yours,

*Torri A. Jacobus*

Torri A. Jacobus  
Director

Exhibit 7

Letter from Ms. Margaret A. Katze to Second Judicial District Director  
(dated 3/19/15)

**FEDERAL PUBLIC DEFENDER  
DISTRICT OF NEW MEXICO**

Margaret A. Katze  
Supervisory Assistant

Albuquerque Office  
111 Lomas Blvd NW, Suite 501  
Albuquerque, NM 87102  
Tel: (505) 346-2489  
Toll Free: 877-511-4686  
Fax: (505) 346-2494

Stephen P. McCue  
Federal Public Defender  
Albuquerque

Barbara A. Mandel  
Supervisory Assistant

Las Cruces Office  
506 S. Main, Suite 400  
Las Cruces, NM 88001  
Tel: (575) 527-6930  
Toll Free: 855-527-6930  
Fax: (575) 527-6933

March 19, 2015

Ms. Torri A. Jacobus, Esq., Director  
Center for Self Help and Dispute Resolution  
State of New Mexico, 2<sup>nd</sup> Judicial District  
P.O. Box 488  
Albuquerque, NM 87103

**Re: *Appointment as Arbitrator***  
***Omar Fajardo v. Aaron Barera, et al.***  
***Case No. CV-2014-07164***

Dear Ms. Jacobus:


I received your letter appointing me as an arbitrator in the above referenced case.

I am writing to you to request that the District Court excuse me from this appointment as an Arbitrator because there exists a conflict which makes my serving as an arbitrator inappropriate. I am an Assistant Federal Public Defender attorney who is employed by the Federal Public Defender Organization for the District of New Mexico. In that capacity, I represent indigent federal defendants by appointment of the United States District Court for the District of New Mexico. The federal statute under which my organization is created, 18 U.S.C. § 3006A(g)(2)(A) prohibits the private practice of law by attorneys who work for a Federal Public Defender Organization: "Neither the Federal Public Defender nor any attorney so appointed by him may engage in the private practice of law." It appears to me that this statute enjoins me from working as an Arbitrator for the Second Judicial District Court as long as I am employed as an Assistant Federal Public Defender for the Federal Public Defender Organization of New Mexico. My supervisor, the Federal Public Defender for the District of New Mexico, supports me in this conclusion.

Ms. Torri A. Jacobus, Esq., Director  
Center for Self Help and Dispute Resolution  
State of New Mexico, 2<sup>nd</sup> Judicial District  
March 19, 2015  
Page 2

I am sorry that I am unable to serve as an arbitrator. If you need anything else, please contact me at (505)346-2489.

Sincerely,

  
MARGARET A. KATZE  
Assistant Federal Public Defender  
Albuquerque Office

MAK:mh



Exhibit 8

Letter from Chief Judge Nan G. Nash to Ms. Margaret A. Katze  
(dated & filed 4/1/15)

FILED IN MY OFFICE  
SECOND JUDICIAL DISTRICT COURT  
BERNALILLO COUNTY, NM  
JAMES A. NOEL

4/1/2015 4:23 PM  
CHRIS PECK



STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT

NAN G. NASH  
CHIEF JUDGE

POST OFFICE BOX 488  
ALBUQUERQUE, NEW MEXICO 87103  
505-841-7531  
FAX: 505-841-6785

1 April 2015

Ms. Margaret A. Katze Esq.  
Office of the Federal Public Defender  
111 Lomas Blvd. NW, Suite 501  
Albuquerque, NM 87102

**RE: *Omar Fajardo v. Aaron Barera, et. al; CV 2014-07164***

Dear Ms. Katze;

I am in receipt of your February 25, 2015 letter wherein you request removal from the above referenced case.

The Second Judicial District Court's Court-Annexed Arbitration Program is established and governed by LR2-603 NMRA. Section IV (A) states that

[t]he court will maintain a pool from which arbitrators will be appointed. The pool shall include all active members of the State Bar of New Mexico who have been licensed to practice law for five (5) or more years and who are residents of or have an office in Bernalillo County... The chief judge for good cause may remove an attorney from the arbitrator pool either temporarily or permanently.

(Emphasis added.)

By Order dated March 3 2015, you were appointed to serve as an arbitrator in the above-referenced case. Your letter requesting excusal is based upon your inability to perform work outside of the federal government pursuant to federal statute. Many federal employees write us expressing concern about their inability to perform outside work. With respect to this concern, LR2-603 was approved by the Supreme Court of New Mexico. Our New Mexico Supreme Court is the sole entity that exercises supervisory/superintending authority over all lawyers licensed to practice law in New Mexico. As such another entity cannot nullify an order appointing an attorney to serve as an arbitrator. Therefore I do not believe that an Order from

OK to file  
JP

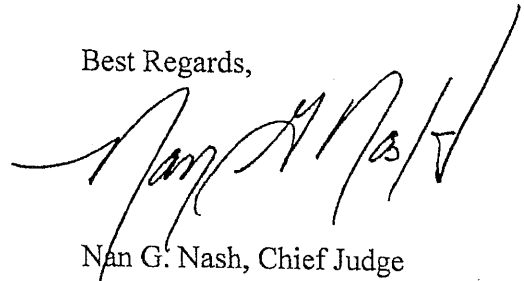
the Second Judicial District Court appointing you as an arbitrator could be nullified by the federal statute that prohibits you from performing "outside" work.

For these reasons I cannot conclude that you have established good cause to be removed from this case and I must deny your request. Thank you for your letter and your attention to mine.

By copy of this letter I request that the Center Director take any necessary actions as set forth herein.

**SO ORDERED**

Best Regards,

A handwritten signature in black ink, appearing to read 'Nan G. Nash', is written over the typed name.

Nan G. Nash, Chief Judge

cc: Hon. Beatrice Brickhouse  
Mark Caruso, Esq.  
Stephen Simone Esq.  
Torri Jacobus, Director Center for Self Help and Dispute Resolution  
Court File